

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Lonnie Thompson,	:	
	:	Case No. 1:23-CV-01656
Plaintiff,	:	
	:	Judge Pamela A. Barker
v.	:	
	:	Magistrate Judge James E. Grimes Jr.
Julie Hensley, et al.,	:	
	:	
Defendants.	:	

DEFENDANTS' MOTION TO DISMISS

On January 10, 2025, Plaintiff Lonnie Thompson ("Plaintiff") filed an Amended Complaint ("Complaint"). ECF No. 57. Defendants Hensley, Newland, Dr. Ojukwu, Cardaras, Wheeler, and Cornwell ("Defendants"), by and through counsel, respectfully move the Court to dismiss this case pursuant to Federal Civil Rule 12(b)(6) because the Complaint fails to state a claim for relief against any Defendant. At a minimum, the individual Defendants are entitled to qualified immunity, as Plaintiff cannot establish that any Defendant violated any of Plaintiff's clearly established constitutional rights. A Memorandum in Support of this Motion is attached.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

s/ Mindy Worly
MINDY WORLY (0037395)
Principal Assistant Attorney General
Criminal Justice Section
Corrections Litigation Unit
30 East Broad Street, 23rd Floor
Columbus, Ohio 43215
(614) 644-7233/Fax: (866) 474-4985
Mindy.Worly@OhioAttorneyGeneral.gov

Counsel for Defendants

MEMORANDUM IN SUPPORT

I. Statement of Alleged Facts

The Complaint alleges that Defendants Hensley, Newland, Dr. Ojukwu, and Cardaras misdiagnosed his bladder cancer from April of 2021 through October 2022, and that since that time Defendants Wheeler and Cornwell have failed to treat him with Ensure and Ultram/Tramadol. As such, the claims against each of the Defendants are more specifically described below.

A. Allegations against Julie Hensley

Plaintiff alleges that from October 4, 2021, through October 14, 2022, Defendant Hensley violated Plaintiff's Eighth and Fourteenth Amendment right to be free of cruel and unusual punishment in that, as Health Care Administrator at the Mansfield Correctional Institution, she was "aware or should have been aware that Thompson was continuously experiencing bloody and painful urinations, having urinary tract infections, that urine tests indicated high levels of blood, protein, and ketones, and that Thompson had numerous nurse and doctor sick calls complaining of the above, among other issues." ECF No. 57, PageID 408. Critically, however, nowhere does the Complaint allege any facts suggesting that Defendant Hensley was personally responsible for any action or wrongdoing that injured Plaintiff.

B. Allegations against Defendant Newland

The Complaint likewise alleges that between October 4, 2021, and October 14, 2022, Defendant Newland, a nurse practitioner at the Mansfield Correctional Institution, violated Plaintiff's Eighth and Fourteenth Amendment right to be free of cruel and unusual punishment in that she was aware or should have been aware that Plaintiff was continuously experiencing bloody and painful urinations, having urinary tract infections, and experiencing painful bowel movements, that urine tests indicated high levels of blood, protein, and ketones, and that he had numerous nurse